

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Edison Company (U338E) for Authority to, Among Other Things, Increase Its Authorized Revenues For Electric Service In 2012, And to Reflect That Increase In Rates.

Application 10-11-015  
(Filed November 23, 2010)

**DECISION GRANTING COMPENSATION TO THE VOTE SOLAR INITIATIVE  
FOR SUBSTANTIAL CONTRIBUTION TO DECISION 12-11-051**

<b>Claimant: The Vote Solar Initiative</b>	<b>For contribution to: Decision 12-11-051</b>
<b>Claimed (\$): \$26,390.00</b>	<b>Awarded (\$): \$26,330.00 (.227% reduction)</b>
<b>Assigned Commissioner: Michael R. Peevey</b>	<b>Assigned ALJ: Melanie M. Darling</b>

**PART I: PROCEDURAL ISSUES**

<b>A. Brief Description of Decision:</b>	Decision (D.) 12-11-051 authorizes Southern California Edison Company (SCE) to recover from ratepayers an increase of \$271.9 million, 5.04% over present rates, representing the reasonable costs of providing safe and reliable electrical service to its customers in 2012. ( <i>See</i> D.12-11-051 at 2.) The decision also, among many other things, finds that the proposed settlement between SCE and Vote Solar Initiative (Vote Solar) is a reasonable resolution of the specified issues in light of the record that is consistent with the law and in the public interest, and therefore approves the settlement. ( <i>Ibid.</i> at 5.)
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**B. Claimant must satisfy intervenor compensation requirements set forth in Public Utilities Code §§ 1801-1812:**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference:	1/31/2011	Verified
2. Other Specified Date for NOI:		Verified, instructed to file an NOI by 05/06/2011, as stated in the Scoping Memo and Ruling filed on 04/11/2011. Additionally, via email, allowed to submit NOI until 05/10/2011.
3. Date NOI Filed:	5/4/2011	Verified, filed on 05/04/2011 and published on 05/05/2011.
4. Was the NOI timely filed?		Yes
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	Rulemaking (R.) 10-05-006	Verified
6. Date of ALJ ruling:	March 3, 2011	Verified
7. Based on another CPUC determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R.10-05-006	Verified
10. Date of ALJ ruling:	March 3, 2011	Verified
11. Based on another CPUC determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes

<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	D.12-11-051	Verified
14. Date of Issuance of Final Order or Decision:	12/10/2012	Verified
15. File date of compensation request:	1/30/2013	Verified
16. Was the request for compensation timely?	Yes	

**B. Additional Comments on Part I:**

#	Claimant	CPUC	Comment
4	Vote Solar	Verified	Via email transmitted May 3, 2011, Administrative Law Judge Melanie M. Darling granted Vote Solar's previously filed motion seeking leave to late file an NOI. Judge Darling further ruled that Vote Solar must file an NOI by May 10, 2011. Vote Solar filed an NOI on May 4, 2011.

**PART II: SUBSTANTIAL CONTRIBUTION****A. Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

<b>Intervenor's Claimed Contribution</b>	<b>Specific References to Claimant's Presentations and to Decision</b>	<b>Showing Accepted by CPUC</b>
Vote Solar submitted the following documents: 06/01/11 Prepared Direct Testimony 07/18/11 Motion to Seal Record 09/02/11 Motion to Approve Settlement		Yes
1. Vote Solar and SCE engaged in extensive settlement negotiations that resulted in a bilateral settlement (Settlement) to adopt a mutually agreeable outcome to issues regarding SCE's obligation to consider distributed generation (DG) as an energy alternative.	D.12-11-051 at 690. Vote Solar's Prepared Direct Testimony, <i>generally</i> Settlement, <i>generally</i>	Yes

<p>2. The Settlement requires that SCE, as of 2012, begin tracking wholesale and retail DG projects and incorporated that data into peak demand forecasts at the distribution and A-bank substation levels, thereby improving the documentation of DG as a possible alternative to capital investments in SCE's distribution system.</p>	<p>D.12-11-051 at 690. Vote Solar's Prepared Direct Testimony, <i>generally</i> Settlement, <i>generally</i></p>	<p>Yes</p>
<p>3. The Settlement requires that SCE, as of 2012, begin conducting screening studies a part of SCE's annual distribution system planning process to determining if DG is a viable alternative for any planned distribution upgrades, thereby improving the consideration of DG as a possible alternative to capital investments in SCE's distribution system.</p>	<p>D.12-11-051 at 690. Vote Solar's Prepared Direct Testimony, <i>generally</i> Settlement, <i>generally</i></p>	<p>Yes</p>
<p>4. The Settlement requires that where metered output data is readily available to facilitate a "dependable generation" calculation, SCE shall calculate the "dependable generation" amount based on actual operating history during peak load periods, and incorporate that calculation into distribution substation and critical load forecasts.</p>	<p>D.12-11-051 at 691. Vote Solar's Prepared Direct Testimony, <i>generally</i> Settlement, <i>generally</i></p>	<p>Yes</p>
<p>5. The Settlement requires that SCE shall test market with one pilot RFP during the 2012 GRC cycle for viable DG alternatives to distribution system upgrades.</p>	<p>D.12-11-051 at 691. Vote Solar's Prepared Direct Testimony, <i>generally</i> Settlement, <i>generally</i></p>	<p>Yes</p>

**B. Duplication of Effort (§§ 1801.3(f) & 1802.5):**

	<b>Claimant</b>	<b>CPUC Verified</b>
<b>a. Was the Office of Ratepayer Advocates (ORA)<sup>1</sup> a party to the proceeding?</b>	Yes	Verified
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	No	Verified
<b>c. If so, provide name of other parties:</b>		N/A
<b>d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party:</b>  The Utility Reform Network (TURN) initially contacted Vote Solar regarding cost of service issues related to solar projects. Vote Solar remained in intermittent contact with TURN, including updating TURN on the progress of the SCE/Vote Solar settlement.		Verified

**PART III: REASONABLENESS OF REQUESTED COMPENSATION****A. General Claim of Reasonableness (§§ 1801 & 1806):**

<b>a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation:</b>	<b>CPUC Verified</b>
Vote Solar's participation in this proceeding was directed at policy and environmental matters, and therefore ascertaining direct benefits, in terms of actual dollars, to ratepayers is essentially impossible.  Nevertheless, Vote Solar's actions as an individual party resulted in direct and specific improvements to the manner in which SCE was considering	Verified

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

<p>DG in system planning. Vote Solar’s actions also brought greater transparency and accountability to that process. These outcomes encourage greater penetration of clean, distributed energy in California, and thus are entirely consistent with D.88-04-066, which states:</p> <p style="padding-left: 40px;">With respect to environmental groups, [the Commission has] concluded they were eligible in the past with the understanding that they represent customers whose environmental interests include the concern that, e.g., regulatory policies encourage the adoption of all cost-effective conservation measures and discourage unnecessary new generating resources that are expensive and environmentally damaging. They represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example. (Mimeo. at 3.)</p> <p>Ultimately, Vote Solar’s membership, which now includes over 10,000 Californians, are directly benefitted by the above described advocacy in that it directly addresses their environmental concerns and desire to see the full potential of distributed solar solutions realized. All Californians, including Californian investor owned utility customers, also benefit, albeit more generally and indirectly, from Vote Solar’s mission to fight global warming, increase energy independence, decrease fossil fuel dependence, and foster economic development by bringing solar energy into the mainstream.</p>	
<p><b>b. Reasonableness of Hours Claimed.</b></p> <p>Vote Solar is a small, tightly staffed and budgeted organization with a very “flat” management structure. Accordingly (and unfortunately) Vote Solar does not have the resources to “delegate” work from senior to more junior staff. The “lead” attorney, Kelly Foley, is the only in house attorney at Vote Solar and the only employee, attorney or otherwise, dedicated full time to California issues.</p> <p>In recognizing that Ms. Foley is a senior attorney theoretically eligible to bill at a fairly high rate, she compensated for her inability to delegate work by applying up front reduction of her work hours as appropriate, or with respect to preparing intervenor compensation related filings, reducing her rate by more than required by the Commission. Furthermore, Vote Solar continuously strives, whenever practical or possible, to narrow</p>	<p style="text-align: center;">Verified</p>

<p>participation to areas where Vote Solar is more likely to bring a unique voice, perspective or contribution.</p> <p>Vote Solar's expert witness consultant, Crossborder Energy, employed the use of less senior staff member Patrick McGuire where ever possible. Mr. McGuire performed approximately a third of the total consultant work, thereby considerably reducing the overall expert witness related costs.</p>	
<p><b>c. Allocation of Hours by Issue</b></p> <p>See section B below.</p>	

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Kelly Foley	2011	28.2	\$325	New Rate Request <i>see</i> Attachment D	\$9,165	28.2	\$325	\$9,165
Kelly Foley	2012	3.0	\$350	New Rate Request, <i>see</i> Attachment D	\$1,050	3.0	\$330	\$990
R. Thomas Beach	2011	40.45	\$300	D.09-08-022	\$12,135	40.45	\$300	\$12,135
Patrick McGuire	2011	19.25	\$180	D.09-08-022	\$3,465	19.25	\$180	\$3,465
	Subtotal:				\$25,815	Subtotal:		\$25,755
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
	Subtotal:					Subtotal:		

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate	Basis for Rate*	Total \$	Hours	Rate	Total \$
Kelly Foley	2011	1	1/3 of \$325	New Rate Request, <i>see</i> Attachment D	\$108.33	1	\$108.33	\$108.33
Kelly Foley	2013	4	1/3 of \$350	New Rate Request <i>see</i> Attachment D	\$466.67	4	\$119.33	\$466.67
	Subtotal:				\$575.00	Subtotal:		\$575.00
COSTS								
#	Item	Detail			Amount	Amount		
Subtotal:						Subtotal:		
TOTAL REQUEST \$:					\$26,390.00	TOTAL AWARD \$:		\$26,330.00
<p>* We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants, and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>** Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate.</p>								
Attorney		Date Admitted to CA BAR <sup>[1]</sup>			Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation	
Kelly Foley		08/02/1994			171536		No	

<sup>[1]</sup> This information may be obtained at: <http://www.calbar.ca.gov/>.



**C. Attachments Documenting Specific Claim and Comments on Part III:**

<b>Attachment or Comment #</b>	<b>Description/Comment</b>
1	Certificate of Service

**D. CPUC Disallowances and Adjustments**

<b>#</b>	<b>Reason</b>
1	Foley has been practicing law as a member of the California bar for 18 years, with 15 years of experience as an energy regulatory attorney practicing before the Commission. The hourly rate of \$325 for 2011 reflects a reasonable rate for an attorney of Foley's 13+ years of experience per the guidelines of Resolution ALJ-267. We apply the 2.2% Cost of Living Increase to Foley's 2011 hourly rate, as per Resolution ALJ-281, to adopt an hourly rate of \$330 for Foley in 2012. <i>See also</i> D.14-01-032.

**PART IV: OPPOSITIONS AND COMMENTS**

<b>A. Opposition: Did any party oppose the Claim?</b>	No
<b>B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?</b>	Yes

**FINDINGS OF FACT**

1. Vote Solar Initiative has made a substantial contribution to D.12-011-051.
2. The requested hourly rates for Vote Solar Initiative's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses are reasonable and commensurate with the work performed.
4. The total of reasonable contribution is \$26,330.

**CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, satisfies all requirements of Public Utilities Code §§ 1801-1812.

**ORDER**

1. Vote Solar Initiative is awarded \$26,330.
2. Within 30 days of the effective date of this decision, Southern California Edison Company shall pay Vote Solar Initiative the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning April 15, 2014, the 75<sup>th</sup> day after the filing Vote Solar Initiative's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.
4. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

## APPENDIX

### Compensation Decision Summary Information

Compensation Decision:		Modifies Decision? No
Contribution Decision:	D1211051	
Proceeding:	A1011015	
Author:	ALJ Melanie M. Darling	
Payer:	Southern California Edison Company	

### Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Vote Solar Initiative	01/30/2013	\$26,390.00	\$26,330.00	No	None

### Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Kelly	Foley	Attorney	Vote Solar Initiative	\$325.00	2011	\$325.00
Kelly	Foley	Attorney	Vote Solar Initiative	\$350.00	2012	\$330.00
R. Thomas	Beach	Consultant	Vote Solar Initiative	\$300.00	2011	\$300.00
Patrick	McGuire	Consultant	Vote Solar Initiative	\$180.00	2011	\$180.00

(END OF APPENDIX)